IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 121 OF 2007

Anil Ramchandra Agre ..Applicant
v/s
The State of Maharashtra ..Respondent.

Mr. Rahul D. Motkari, Advocate for the applicant'

Ms. M.H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 5TH FEBRUARY, 2007.

P.C.

. Heard Mr. Motkari, learned Counsel for the applicant and Ms. Mhatre, learned APP for the State. The applicant is an employee of Security India Pvt. Ltd. According to the prosecution, on 29/11/2006 amount of more than Rs. 15 lacs was to be transferred from one place to another by four wheeler of the said Company. One Sunil Jaiswal was driver on that vehicle. The present applicant was a Cashier. A friend of Sunil Jaiswal came by motorcycle and as a result of conspiracy some show of robbery was made and the amount was taken away and concealed. Later on, on the basis of information given by the said friend of Sunil, the cash

was recovered. As per the information given by Sunil and his friend, the present applicant was also involved in conspiracy. However, it appears that besides the statement of those co-accused involving the present accused there is no other material nor any recovery was made from the present applicant. If the robbery had not taken place as alleged in the FIR it may be an offence under section 381, 408, 409 r/w 120 B and 182 of Indian Penal Code. In view of the facts and the circumstances, section 392 cannot be applied and whole of the amount was recovered on the basis of information given by the friend of Sunil, and the investigation is already completed and charge-sheet is filed, I find that it is a fit case, to grant bail to the present applicant.

2. In view of the above circumstances, the applicant is granted bail in Crime No.514/2006 of Turbhe Police Station on his executing P.R. of Rs. 25,000/- with surety in like amount with conditions that he shall not tamper with the prosecution evidence and shall not misuse the bail.

(J.H. BHATIA, J.)